

REMARKS

Objections to the Drawings

The drawings were objected to on the basis that certain figures were presented as landscape drawings, which the Office is no longer able to rotate photographically.

The drawings have been revised to present all figures in portrait format. A set of color figures are presented (the petition for which previously having been granted), as well as a black and white set.

As all objections made to the drawings have been addressed, the drawings are believed to be in condition for allowance of the application.

Objections to the Claims

The claims were objected to on the basis that certain text was not in dark type and other text was too small.

The previously presented claim amendments have been re-presented above (with original indicators), in light of the objection. All text has been made black, and all fonts have been raised to 12 point, and drawings including text have been enlarged. All text and characters are asserted to meet the stated requirements.

New claims 34-37 have been presented, and find support in the original claims and specification as filed. No new matter is added. Particular support can be found at page 4, lines 16-24, at Page 5, lines 17-24 and in Examples 4-6.

Claims 34-37 are asserted to be generic to the elected invention, and thus subject to examination. Specifically, independent claim 34, upon which claims 35-37 depend, recites an assay method in elected Group I as set forth in the restriction requirement.

Furthermore, claim 34 recites the elected subspecies of multichromophore “conjugated polymer,” the generic term “signaling chromophore” encompassing the elected species fluorescent dye and subspecies fluorescein, the generic term “target polynucleotide” encompassing the elected species RNA, and the generic term “sample suspected of containing a target polynucleotide” encompassing the elected species of sample comprising a single stranded polynucleotide. Claims 34-37 are thus generic for most of the elected species, and specific for the species “conjugated polymer” and within that elected group.

As set forth previously, the prior arguments provided against the art rejection over Chandler et al. are presumed to have been accepted, and are incorporated by reference herein and reiterated. The arguments as they apply to new claims 34-37 are expounded below.

The claims are asserted to be in condition for allowance. Withdrawal of the objection is respectfully requested.

Patentability of Claims 34-37 over Chandler

Claims 1, 2, 6, 9, 12-15, 17-18, 21, 22, 27, 28 and 30-33 were previously rejected as allegedly anticipated by or allegedly obvious over USPN 6,268,222 to Chandler et al. ("Chandler"). The grounds of patentability for independent claim 34 (and thus dependent claims 35-37) are as follow.

Claim 34 recites an energy resonance transfer method requiring transfer of energy from an excited conjugated polymer to a signaling chromophore. The Office Action does not assert that Chandler teaches or suggests this claim limitation.

Furthermore, Chandler does not teach or suggest the use of a polynucleotide binding protein and its use to bind to a target polynucleotide in an energy transfer assay and to form a complex, as recited in the claims.

As these claim limitations are absent from the sole cited reference, claims 34-37 cannot be anticipated by or obvious over Chandler.

Therefore, as Chandler does not teach or suggest multiple claim elements, Chandler can neither anticipate nor render obvious the invention of claims 34-37.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and a corresponding notice of allowance is respectfully requested. A telephonic interview is formally requested prior to issuance of any other action than a notice of allowance.

Respectfully submitted,
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ATTACHMENTS